IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO.74 OF 2005
IN
WRIT PETITION NO.3550 OF 1991

Aramnagar Residents Association..... Petitioners.

Versus

MHADA & Another ..... Respondents.

Mr.V.M.Thorat with Mr.M.M. Vashi i/b Mr.M.P. Vashi for the petitioner in support of chamber summons
Mr.H.S.S.Murthy for the respondent.

CORAM: R.M.S.KHANDEPARKAR & V.M.KANADE,JJ.
DATE : SEPTEMBER 27, 2005

P.C.

1 Upon hearing the parties, it is apparent that the applicant in this chamber summons, who are the petitioners in Writ Petition No. 3550/99 seek to bring on record certain events which have occurred subsequent to filing of the petition and in relation to subject matter of the controversy in petition. Since the facts alleged and sought to be incorporated by way of amendment relates to the matter in issue and plain reading thereof disclose that they are relevant and material for complete and final adjudication of the dispute involved in the matter, complying the principle of Order 6, Rule 7 of the Civil Procedure Code, proposed amendment apparently

discloses to be necessary to be incorporated in the pleadings in the petition and therefore, deserves to be allowed.

2. The Writ Petition apart from other points sought to be raised in the matter, also relates to the issue in respect of development of plot in question for the benefit of occupants thereof and the methodology to be adopted in the development thereof. The proposed amendment enumerates various instances, which have occurred subsequent to filing of petition and pertaining to the attempts for development of property in question. Being so, the proposed amendment is relevant and necessary for appropriate decision on the controversy involved in the matter and hence the Chamber Summons needs to be allowed in terms of prayer clause (a). Order accordingly.

3. The amendment to be carried out within a period of 14 days. There shall be no order as to cost.

4. The chamber summons stands disposed of.

(R.M.S.KHANDEPARKAR,J)

(V.M.KANADE,J)